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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-127**

12 **LEAH C. RUSSO**
2217 J Street
13 **Sacramento, CA 95816**
14 **Registered Nurse License No. 524511**

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about July 30, 1996, the Board issued Registered Nurse License Number
22 524511 to Leah C. Russo ("Respondent"). Respondent's registered nurse license was in full force
23 and effect at all times relevant to the charges brought herein and will expire on November 30,
24 2011, unless renewed.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11 COST RECOVERY

12 6. Code section 125.3 provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licentiate found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 7. At all times relevant herein, Respondent was employed as a registered nurse in the
19 Birthing Center at Sutter Davis Hospital, Davis, California.

20 8. On or about December 6, 2008, Respondent was assigned to work as the lead charge
21 nurse in the labor and delivery unit on the evening shift, from 1900 to 0700 hours. Registered
22 nurse Denise Lynn Schroeder, also known as Deedee Schroeder ("Schroeder"), was the lead
23 charge nurse on the day shift. Respondent called Schroeder and related that she was very ill with
24 a migraine headache. Schroeder indicated that another nurse had called in sick and that the shift
25 was short staffed. Despite her condition, Respondent came to work before 1900 hours and went
26 into the lounge to lie down without "clocking in." Respondent was reported as feeling very ill.
27 Later, a House Supervisor told Respondent to go to the Emergency Department. Respondent
28 refused.

9. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about December 6, 2008, Respondent committed acts constituting unprofessional conduct, as follows: Respondent reported to work at the labor and delivery unit even though she was too weak and ill to carry out her nursing duties, and refused to go to the Emergency Department for treatment as requested by the House Supervisor.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 524511, issued to Leah C. Russo;
2. Ordering Leah C. Russo to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant